59

Sr. No.	Date	Orders

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ TEST.CAS. 10/1998

KAILASH KUMARI HANS ..... Petitioner
Through Mr.Sanjeev Narual

versus

STATE ..... Respondent
Through

CORAM:
HON'BLE MR. JUSTICE MADAN B. LOKUR

ORDER

% **09.05.2006**

This is a petition under Section 278 read with Section 218 of the Indian Succession Act, 1925 for the grant of probate in respect of the Will dated 10th October, 1976 executed by Shri V.P. Hans s/o Late Shri S.N. Hans. The petition has been filed by Smt. Kailash Kumari Hans,

Signature Not Verified
Digitally Signed By:AMULYA
Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

Sr. No.	Date	Orders
		his widow. Notices were issued in this case to the relations of the deceased and citation was also published in the 'Statesman' and 'Punjab Kesari'. No objection has been filed by anybody to the grant of probate. The Will has been filed in original and is marked as Exhibit PW-1/1. The Will is signed by two attesting witnesses, that is, Shri N.K. Hans and Shri Y.K. Hans, both of whom are the sons of deceased Shri V.P. Hans. Shri Y.K. Hans has filed an affidavit dated 10th August, 2005, which is Exhibit PW-1/A. He states that the deceased had signed the Will in his presence and in the presence of his brother Shri N.K. Hans. He states that the deceased was in a sound disposing mind when he signed the Will. The other attesting witness, that is, Shri N.K. Hans is not traceable and his whereabouts are not known. He has been served by publication. In any case, he has not filed any objection to the Will.

Sr. No.	Date	Orders
		Smt. Kailash Kumari Hans has also filed an affidavit, which is Exhibit PW-2. She says that she can identify the signatures of her two sons who were the attesting witnesses as well as the signatures of her deceased husband. The death certificate in respect of the deceased Ved Prakash Hans, who died on 8th November, 1976 is on record as Exhibit PW-2/1. Shri Y.K. Hans has also appeared as witness PW-1 and confirmed his having filed an affidavit Exhibit PW-1/A as also the original Will Exhibit PW-1/1 of his late father Shri V.P. Hans. Smt. Kailash Kumari Hans has also appeared as witness PW-2 and confirmed having filed an affidavit Exhibit PW-2/A. The assets of the deceased, that is, House No.202, Sant Nagar, New Delhi, as per the Will have been valued by an approved valuer at Rs.6,21,000/-. According to the Tehsildar, Defence Colony the value is Rs.12,86,936/-. There do not appear to be any movable assets of the deceased.

D.-I (a) Continuation Sheet

. No.	Date	Orders

Under the circumstances, probate is granted in favour of Smt. Kailash Kumari Hans as well as Respondent No.2 Ms. Girija Lakshmi Hans, who is said to be the disabled daughter of the deceased Shri V.P. Hans.

The probate is granted in respect of the Will dated 10th October, 1976, Exhibit PW-1/1.

To be listed before the Joint Registrar on 25th May, 2006 for payment of appropriate stamp duty on the value determined by the Tehsildar, Defence Colony.

For all other purposes, the petition stands disposed of.

MADAN B. LOKUR, J

MAY 09, 2006
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